IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.302 OF 2005

WITH

CIVIL APPLICATION NO.325 OF 2005

Pandurang Mahadev Thakur & Ors. ..Appellants.

Vs.

Manubhai Vadilal Shah & Ors. ..Respondents.

...

Mr.Y.S.Jahagirdar, Senior Advocate with Mr.Sandesh Deshpande for the Appellants.

Mr.N.V.Walawalkar with Mr.S.D.Patil for Respondent Nos.1 and 2.

Mr.Tejas Deshpande for Respondent Nos.3 to 6.

Mr.R.S.Apte for Respondent No.10.

WITH

APPEAL FROM ORDER NO.303 OF 2005

WITH

CIVIL APPLICATION NO.326 OF 2005

Suman N. Mhatre & Ors. ..Appellants.

Vs.

Manubhai Vadilal Shah & Ors. ..Respondents.

...

Mr.T.Deshmukh for the Appellants.

Mr.N.V.Walawalkar with Mr.S.D.Patil for Respondent Nos.1 and 2.

Mr.Y.S.Jahagirdar, Senior Advocate with Mr.Sandesh Deshpande for Respondent Nos.3 to 7.

Mr.R.S.Apte for Respondent No.10.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

14th December, 2005.

P.C. :

1. After the Appeals have been argued for final disposal, learned counsel appearing on behalf of the contesting parties are agreed that the order dated 4th March, 2005 passed in these proceedings by which parties were directed to maintain the status quo shall continue in operation in respect of the suit property pending the trial of the suit. There shall accordingly be an order in the aforesaid terms.

2. On the request of counsel appearing on behalf of the First and Second Respondents who are the original Plaintiffs, Regular Civil Suit 349 of 2002 pending before the Civil Judge, Junior Division, Thane is dismissed as withdrawn;

3. All the rights and contentions of the parties in respect of the withdrawal of Regular Civil Suit 349 of 2002 and the institution of a fresh suit without leave under Order 2 Rule 2 of the Court in the first suit are kept open to be urged before the Trial Court at the appropriate stage;

4. Having regard to the facts and circumstances of the case, the Learned Trial Judge is requested to expedite the disposal of the suit and to endeavour to do so preferably by 31st July, 2006.

In these circumstances, the Appeals are disposed of since no other point has been pressed.

In view of the disposal of the Appeals, the Civil Applications are rendered infructuous and are

accordingly disposed of.